



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

PLANNING COMMISSION
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MINUTES
MARCH 20, 2013

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were Fil Cerminara, Kenneth Keller, Helen Hoffstaetter, Arnold Finaldi Jr., Joel Urice and Alternates Robert Chiochio and Michael Ferguson. Also present was Associate Planner Jennifer Emminger, Deputy Planning Director Sharon Calitro and Planning Director Dennis Elpern.

Chairman Finaldi welcomed Mr. Chiochio, who was appointed as an Alternate member at the March City Council meeting.

Mr. Keller made a motion to table the acceptance of the February 20, 2013 minutes. Mr. Ferguson seconded the motion and it was passed unanimously.

OTHER MATTERS:

Presentation of Proposed Amendments to the Plan of Conservation & Development and Scheduling of Public Hearing for said Amendments.

Planning Director Dennis Elpern explained according the State Statutes; the Plan of Conservation & Development must be amended by June 30, 2013. He said we had been waiting for the State to finish updating their plan, but now it has reached the point where we can wait no longer. He explained that the Plan was adopted in two parts; the Resolution and the Planning Studies. The studies looked at eleven functional areas and then the policies and specific recommendations were pulled from them. He said in order to meet the deadline; the Resolution will be amended by (1) eliminating all recommendations which have been achieved since 2002, and (2) adding any approved policy recommendations which have been agreed to by the City since 2002. This is all the short time frame will allow for; new material, updated maps and any new policy will be considered at a later date as addenda to Resolution. He said there is just not enough time to consider new material at this point; mainly because everything that is in there now is backed up by the Planning Studies. He said the Commission must refer this to the City Council and set a public hearing date which allows the Council a 65 day time period to consider this before the public hearing.

Mr. Elpern said if they refer it to Council this evening, he can get it on the Council Agenda for the first meeting in April. That gives the Council until approximately June 6, 2013 to make their recommendation. He added that this is rough because April is

budget season and the Council is very busy. After looking at the calendar, it was suggested that the Commission hold a special meeting on June 12, 2013 for this public hearing. Mr. Elpern then said he had a request to remove a line from the draft and that has been done. Mr. Urice made a motion to schedule the public hearing for Wednesday, June 12, 2013 which is not a normal meeting night for this Commission. Mr. Keller seconded the motion and it was passed unanimously. Mr. Urice then made a motion to refer this revised document to the City Council. Ms. Hoffstaetter seconded the motion and it was passed unanimously. Mr. Keller thanked the Planning Staff for all the work they have done to get this ready. Mr. Elpern said most of his staff is present this evening with the exception of Patricia Lee and Tim Rosati.

Mr. Elpern said the Commission can hold a workshop session anytime before their public hearing. Mr. Urice suggested they should do that before they get it back from Council. Mr. Elpern said this also was sent to the regional planning agency (HVCEO), and will be put on file in the Town Clerk's office and on the City website. The final copy will also go to the State Office of Policy & Management (OPM). Mr. Elpern asked Chairman Finaldi to accompany him to the City Council meeting where they will discuss this.

Mr. Elpern and Mrs. Calitro left the meeting at this time.

PUBLIC HEARING:

8:00 PM -- Hawley Realty – Application for Special Exception/Site Plan Approval for Medical Office in the RH-3 Zone – 39-41 Hospital Ave. & 3 Forest Ave. (#J12009, #J12010 & #J12 011). – SE # 729.

Mr. Keller read the legal notice. Chairman Finaldi said they also should have received a staff report from Mrs. Emminger and a traffic report from Tighe & Bond.

Attorney Paul Jaber spoke in favor of this property was just re-zoned by the Zoning Commission. This proposal is to construct a 6,657 sq.ft. office building on this parcel which is across the street from the main entrance to the Danbury Hospital parking garage. He said these properties currently contain two vacant houses that are in pretty sad shape, basically beyond repair. He said this proposal would clean up the area and it is not likely that anyone is going to buy these properties for residential use. He said with him this evening are David Hawley, one of the contract purchasers and Benjamin Doto PE, the project engineer.

Mr. Doto then spoke describing the site. He said since the plans were submitted, they has been a minor change which increased the size of the building by 77 sq.ft. He added that he will address this change in his presentation. He said although the entrance to the building will be on the back side, the front side of the building will face Hospital Ave. They will completely demolish the existing structures and close the two existing driveways off of Hospital Ave. They will extend the concrete sidewalks and build a 46 space parking lot in the back of the building. This site is currently served by septic but since the nearest available sewer is on Moran Ave, and they had previously petitioned for it, the new building will be served by sewer. They plan to keep the hedgerow and some trees but the majority of trees on the site will be new. He said there is residential bordering the site to the North and West and CT Family Orthopedics Office to the East. He said they were able to design this without

needing any variances despite the fact that it is a corner lot with two front yards and two side yards. He said the driveway cut will be off of Forest Ave. as long as the City Traffic Engineer approves it. The applicants are proposing a five-foot high white vinyl fence to run just beyond the last parking space to around the corner to the existing hedgerow. He said it is the design standards in the RH-3 Zone that force them to push the building forward on the lot with the parking located behind it. Mr. Keller asked about a lighting plan. Mr. Doto said it is not yet done, but it will be ready for the next meeting. He then said although they don't meet the threshold that would require a traffic study, they hired Traffic Engineer Joe Balskus, who is doing the traffic work for the Hospital. Mr. Balskus has issued a letter stating that this project will have no significant impact on the area.

Attorney Jaber said when the zone change application was submitted; Mr. Hawley visited all of the residential neighbors and discussed what they were going to propose. These neighbors signed a document in favor of this which was submitted with the zone change petition.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one.

Mrs. Emminger said that they were still waiting for some reports including the City Traffic Engineer. Mr. Urice asked about the architectural choices. David Hawley, the contract purchaser, said it will be designed in a similar fashion to their medical buildings located on Germantown Rd. Mrs. Emminger suggested they do something to make the street side look like the front of the building even though it is not.

Mr. Cerminara made a motion to continue the public hearing. Ms. Hoffstaetter seconded the motion and it was passed unanimously

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

E.W. Batista Family LP -Application for Revised Special Exception/Revised Site Plan Approval to allow uses generating over five hundred (500) vehicle trips per day in the C-CBD Zone - 2-12 Main St. & 155 South St. (#J15045, #J15046, & #J15048) - SE #587.

Chairman Finaldi said they all should have received a draft resolution from Mrs. Emminger. She then came forward and went through the various parts of it, describing the Court stipulation and the changes that were made which required it to come back to Planning. She said there are three pages of history in the resolution describing each approval this project has received. They still need to update the landscaping plan and they have added the phasing plan, although it was not discussed during the public hearing. This became necessary because of the medical building rushing to get open. She said the medical building will need to stay functional as well as the bakery while the parking lot is being worked on. So everything must be done in stages, with the parking being shifted around while the work is being done. They need to provide a total of 29 spaces between the medical use and the bakery (7 spaces). She said the reason for the phasing or staging is to give the applicant and the ZEO guidance as to how and when things will happen. She said the South St. driveway will be done first. The Main St. details will have to be

reviewed and re-approved by the State DOT, but they are still working with the City Traffic Engineer on that aspect.

Mr. Urice asked if they could have medical building up and running and not do any of the work while keeping in mind the expiration date of this approval. Mrs. Emminger said they do not have to do any of this although it was all planned to comply with zoning and be functional before the Certificate of Occupancy is issued for the medical building. She added that under the phasing plan, the Zoning Enforcement Officer has the authority to tweak it.

Mrs. Emminger said the phasing is usually done during the permit process, but the rush to get the medical building their Certificate of Occupancy made it have to be done now. Ms. Hoffstaetter asked what happens if nothing gets built. Mrs. Emminger said he is under no obligation to build this but he usually finishes projects that he starts. She added that he did try several times during the past ten years to do this, but there was always some issue that they could not agree upon.

Mr. Urice said he is not eligible to vote on this as he was not present at the public hearing and the audio portion of the videotape was not functioning properly so he could not hear any of the testimony when he watched it. Chairman Finaldi asked Mr. Ferguson to take Mr. Urice's place for this matter. Mr. Keller made a motion to approve this per the amended resolution. Mr. Cerminara seconded the motion and it was passed unanimously.

REFERRALS

8-24 Referral/March 2013 City Council Agenda Item #7: Conveyance of Future Installation of Traffic Light Devices, Easement "Z", Sugar Hollow Rd Associates LLC to City of Danbury

This is a request to include an additional easement on Backus Ave. for future installation of traffic devices. This is in conjunction with the Special Exception/site plan approval that was granted to the Shops at Marcus Dairy project. Mr. Urice made a motion for to give this a positive recommendation subject to submission of all plans and documents required for acceptance/conveyance in form and content acceptable to the Engineering Department and the Office of Corporation Counsel prior to recording on the Danbury Land Records. Mr. Cerminara seconded the motion and it was passed unanimously.

ZBA Referral – Application #13-13: SST Automotive Inc., 52 Miry Brook Rd. (#F19049), USE VARIANCE to Sec. 6.A.2.a., to allow limited sales of automobiles in conjunction with and accessory to an existing automotive repair facility. (IL-40 Zone) Zoning Board of Appeals public hearing scheduled for April 11, 2013.

Mr. Urice asked if they had a report on this application. Mrs. Emminger said we did not. Mr. Keller asked what specifically they were asking for. Mr. Urice asked if they could get more information for the next meeting. He then made a motion to table this until the next meeting. Mr. Keller seconded the motion and it was passed unanimously.

Chairman Finaldi noted that there was nothing under For Reference Only and a letter from DOT listed under Correspondence.

At 8:45 PM, Mr. Keller made a motion to adjourn. Mr. Urice seconded the motion and it was passed unanimously